



State of Washington  
**PUBLIC DISCLOSURE COMMISSION**

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9:30 a.m.  
April 26, 2005

MINUTES – REGULAR MEETING

Evergreen Plaza Building, Room 206  
711 Capitol Way South  
Olympia, Washington

COMMISSION MEMBERS PRESENT

Earl Tilly, Member  
Jane Noland, Member  
Bill Brumsickle, Member  
Ken Schellberg, Member

Via Telephone (for morning session):  
Michael Connelly, Chair

STAFF PRESENT

Vicki Rippie, Executive Director  
Doug Ellis, Acting Asst. Director  
Michael Smith, Chief Technology Officer  
Nancy Krier, Senior Counsel  
Linda Dalton, Sr. Asst. Attorney General  
Ruthann Bryant, Secretary

The regular meeting of the Public Disclosure Commission was called to order by Earl Tilly at 9:30 a.m. in the Evergreen Plaza Building, Room 206, Olympia, Washington.

Commissioner Comments

Commissioner Tilly welcomed new Commissioner Ken Schellberg. Commissioner Schellberg commented that he believes in the mission of the Public Disclosure Commission and is honored to serve.

Commissioner Connelly also briefly discussed the process for evaluating the Executive Director's performance. Commissioners Noland and Brumsickle agreed to lead this effort.

Citizens Comments/Concerns

No citizen comments or concerns were expressed.

Minutes

**Motion 05-083**

Moved by Commissioner Noland, seconded by Commissioner Connelly:

**The Commission adopts the minutes of February 22 and March 31, 2005, as written.**

Voting For: Commissioners Noland, Connelly, Tilly and Brumsickle.

Not Voting: Commissioner Schellberg.

The motion passed.

Election of Officers

**Motion 05-084**

Moved by Commissioner Connelly, seconded by Commissioner Brumsickle:

**The Commission elects Earl Tilly as Vice Chair and Jane Noland as Secretary of the Public Disclosure Commission for the remainder of the 2005 fiscal year.**

The motion passed unanimously.

Legislation

Vicki Rippie updated the Commission on legislation that will have an impact on the operation of the Public Disclosure Commission. She noted that the hearing for the gubernatorial appointments of Commissioners Connelly, Brumsickle and Schellberg were heard by the Senate Government Operations and Elections Committee and advanced to the Senate Confirmation calendar. However the nominations were not confirmed before the regular Legislative Session ended.

Agency Request:

- House Bill 1143 PDC Enforcement Efficiencies/Penalties – Passed the House but failed in the Senate on final passage.
- Engrossed Substitute Senate Bill 5034 Electioneering Communications – Passed the

Legislature with the addition of a substantive House amendment added.

Surplus Funds:

Engrossed Substitute Senate Bill 5140 Disposal of Surplus Funds – Passed House with committee amendment and House version passed the Senate.

Disclosure Related Legislation:

- House Bill 1130 Eliminating drop-in inspections for campaign accounts – Passed
- House Bill 1133 Reorganizing Public Disclosure Law – Passed

Government Accountability

- Engrossed Substitute House Bill 1064 Government Performance and Accountability – Passed
- Second Substitute House Bill 1970 Government Management, Accountability and Performance – Passed

Ms. Rippie noted that both bills regarding Government Accountability will be discussed at the Commission's retreat in July. She also briefly discussed biennial budget proposals and legislation that did not survive March or April cut-off dates.

Rule Making  
Public Hearing

Doug Ellis reported on several rule amendments scheduled for public hearing:

- Amend WAC 390-37-090 Informal settlement – Cases resolvable by stipulation prior to an enforcement hearing (adjudicative proceeding), or by other alternative dispute mechanisms
- Amend WAC 390-37-060 Enforcement procedures – Investigation of complaints – Initiation of hearing (adjudicative proceeding)
- Amend WAC 390-19-030 Electronic filing – Reporting threshold
- Amend WAC 390-16-125 Mini campaign reporting – Exceeding limitations

- Amend WAC 390-16-105 Mini campaign reporting – Eligibility
- Amend WAC 390-20-130 Forms for statement of employment of legislators, state officers, and state employees

If approved, the proposed language will be filed with the Code Reviser's Office and will become effective 31 days after filing.

No public testimony was offered.

**Motion 05-085**

Moved by Commissioner Connelly, seconded by Commissioner Noland:

**The Commission adopts as presented language for WAC 390-37-090 Informal Settlement – Cases Resolved by Stipulation prior to an Enforcement Hearing (adjudicative proceeding), or by other Alternative Dispute Mechanisms, WAC 390-37-060 Enforcement procedures – Investigation of complaints – Initiation of hearing (adjudicative proceeding), WAC 390-19-030 Electronic Filing – Reporting Threshold, WAC 390-16-125 Mini Campaign Reporting – Exceeding Limitations, WAC 390-16-105 Mini campaign reporting – Eligibility and WAC 390-20-130 Forms for statement of employment of legislators, state officers and state employees.**

The motion passed unanimously.

Reporting Modifications

New

*Linda Averill, Candidate, City Council,  
City of Seattle*

Kurt Young reported that Ms. Averill requests an exemption from listing the name and address of campaign contributors and vendors. The campaign would provide a list of contributors and vendors by assigning code numbers in lieu of names and addresses. It would also provide zip codes. Also requests an exemption from making

this information available for public inspection during the eight days preceding an election where her name appears on the ballot.

Ms. Averill and Attorney Valerie Carlson appeared before the Commission and provided a detailed background of harassment and threats to persons and property associated with Socialist parties. Ms. Carlson stated that disclosure of names and addresses of vendors, business owners and persons associated with the campaign would have a chilling effect on the applicant's ability to solicit and collect campaign funds and purchase necessary campaign materials and services.

Commissioner Connelly noted that any future requests for modifications by this applicant, or any other person running for office as a candidate of the Freedom Socialist Party who is subject to the reporting requirements of RCW 42.17, must come before the full Commission as a "new" request, and the facts relevant to that request will be considered at that time.

**Motion 05-086**

Moved by Commissioner Noland, seconded by Commissioner Schellberg:

**The Commission grants Linda Averill a reporting modification for this 2005 City Council campaign in accordance with the terms specified in the Order.**

**The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.**

The motion passed unanimously.

*Shoreline School District*

Kurt Young reported that Mr. Wilson requests an exemption from reporting information about a trust established for his two minor children.

**Motion 05-087**

Moved by Commissioner Noland, seconded by Commissioner Brumsickle:

**The Commission grants David Wilson the requested reporting modification.**

**The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.**

The motion passed unanimously.

*James Rogers, Judge, King County  
Superior Court*

Kurt Young reported that Mr. Rogers requests an exemption from reporting all business customers of the University Heights Community Center where he is a director.

**Motion 05-088**

Moved by Commissioner Noland, seconded by Commissioner Brumsickle:

**The Commission grants James Rogers the requested reporting modification.**

**The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.**

The motion passed unanimously.

Renewal (with change)  
*Daniel Evans, Regent, University of  
Washington*

Kurt Young reported that Mr. Evans requests an exemption from reporting the business and other

governmental customers of the following entities of which he or his spouse is an officer:

- American Academy of Arts and Sciences
- Archimedes Technology
- Costco
- Cray SuperComputers
- Flow International
- KCTS
- NIC National Information Consortium, Inc.
- Seattle Symphony
- Western Wireless
- Whitman College

**Motion 05-089**

Moved by Commissioner Noland, seconded by Commissioner Brumsickle:

**The Commission grants Daniel Evans the requested reporting modification.**

**The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.**

The motion passed unanimously.

Renewals (no changes)

The Commission considered the renewals with no change reporting modification requests en masse.

**Motion 05-090**

Moved by Commissioner Brumsickle, seconded by Commissioner Noland:

**The Commission grants Kenneth Alhadeff, Jeffrey Brotman, Gordon Budke, William Chapman, Craig Cole, Elizabeth Cowles, Robert Craves, Monte Dahlstrom, Bruce Dammeier, Aubrey Davis, Joseph Delay, Claire Grace, Richard Hartman, Stephen Johnson, Lori Kaiser, David Lamb, Richard LaRosa, Dean Lum, Kirk Michels, J. Dean Morgan, A. Daniel O'Neal, Jack Pittis, Palmer Robinson,**

**Richard Roozen, Philip Sharpe, Jeanne Stewart, Rebecca Stillings, Elizabeth Verhey, Nancy Whitten, Diana Wilhite, William L. (Bill) Williams and Betty Woods reporting modifications as requested.**

**The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.**

The motion passed unanimously.

Advisory Matters  
*Attorney General's Opinion*  
2005 No. 4

Nancy Krier reported on the Commission's request for an Attorney General's Opinion regarding "elected legislative body" as that term is used in RCW 42.17.130.

As an interim measure, Vicki Rippie discussed staff's recommendation to update PDC Interpretations 04-02 and 01-03 to eliminate the apparent inconsistencies between the AGO and these interpretations.

Staff will send notice of the AGO and its impact to stakeholders and hold a meeting allowing interested parties to participate in the process. The matter will be brought to a future meeting for discussion with the full commission.

**Motion 05-091**

Moved by Commissioner Schellberg, seconded by Commissioner Noland:

**The Commission accepts proposed changes to PDC Interpretations 04-02 and 01-03 as presented.**

The motion passed unanimously.



*Referral Process*

Nancy Krier briefly summarized the process used for referring enforcement cases from the Commission to the Attorney General's Office.

Staff Reports

Executive Director

Vicki Rippie reported on the FY 2005 budget projections, revenue received to the state general fund and the 2005-07 budget passed by the Legislature.

Acting Assistant Director

Doug Ellis reported that Sally Parker moved to the Filer Assistant Specialist position and Lori Anderson was promoted to Acting Training and Communications Officer.

Mr. Ellis also provided an updated list of professional staff members of the Governor's Office who must file the annual Financial Affairs Statement. He noted that the Commission approved the original list submitted by the Governor's office at its February 22, 2005 meeting.

**Motion 05-092**

Moved by Commissioner Brumsickle, seconded by Commissioner Schellberg:

**The Commission approves the revised list of professional staff required to file Financial Affairs Statements with the Public Disclosure Commission as proposed by the Governor's Office.**

The motion passed unanimously.

Chief Technology Officer

Michael Smith reported on the final meeting with the consultant from DIS and updated the Commission on the status of the ORCA project.

Senior Counsel

Nancy Krier noted two new appeals on her report, Ed Herbert and Dennis Nusbaum for violation of RCW 42.17.130.

Executive Session

The Commission went into executive session at 2:30 p.m. to discuss pending and potential litigation with legal counsel.

Public Session

The Commission returned to public session at 2:50 p.m.

Ethics Training

Senior Assistant Attorney General Nancy Krier briefed the commissioners on the State Ethics Law and the statutory constraints imposed on them during their tenure as members of the Commission.

Adjournment

Commissioner Tilly adjourned the meeting at 3:15 p.m. The next meeting is scheduled for Thursday, June 9, 2005.

Approved by the Commission 6/9/05